

Conference Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 322

## HOUSE BILL 2369

AN ACT

AMENDING SECTION 15-1626, ARIZONA REVISED STATUTES; RELATING TO UNIVERSITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1626, Arizona Revised Statutes, is amended to  
3 read:

4 15-1626. General administrative powers of board

5 A. The board shall:

6 1. Have and exercise the powers necessary for the effective governance  
7 and administration of the institutions under its control. To that end, the  
8 board may adopt, and authorize each university to adopt, such regulations,  
9 policies, rules or measures as are deemed necessary and may delegate in  
10 writing to its committees, to its university presidents, or their designees,  
11 or to other entities under its control, any part of its authority for the  
12 administration and governance of such institutions, including those powers  
13 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs  
14 3, 4, 7, 8, 10 and 11 of this subsection, and subsection B of this section.  
15 Any delegation of authority may be rescinded by the board at any time in  
16 whole or in part.

17 2. Appoint and employ and determine the compensation of presidents  
18 with such power and authority and for such purposes in connection with the  
19 operation of the institutions as the board deems necessary.

20 3. Appoint and employ and determine the compensation of  
21 vice-presidents, deans, professors, instructors, lecturers, fellows and such  
22 other officers and employees with such power and authority and for such  
23 purposes in connection with the operation of the institutions as the board  
24 deems necessary, or delegate its authority pursuant to paragraph 1 of this  
25 subsection.

26 4. Remove any officer or employee when the interests of education in  
27 this state so require in accordance with its personnel rules and policies.

28 5. Fix tuitions and fees to be charged and graduate the tuitions and  
29 fees between institutions and between residents, nonresidents and students  
30 from foreign countries. The amount of tuition, registration fees and other  
31 revenues included in the operating budget for the university adopted by the  
32 board as prescribed in paragraph 12 of this subsection shall be deposited,  
33 pursuant to sections 35-146 and 35-147. All other tuition and fee revenue  
34 shall be retained by each university for expenditure as approved by the  
35 board. Except as provided in subsection H of this section, the Arizona board  
36 of regents shall adopt rules to govern its tuition and fee setting process  
37 which shall provide for the following:

38 (a) At least one public hearing at each university as an opportunity  
39 for students and members of the public to comment upon any proposed increase  
40 in tuition or fees.

41 (b) Publication of the notice of public hearing at least ten days  
42 prior to the hearing in a newspaper of general circulation in Maricopa  
43 county, Coconino county and Pima county. The notice shall include the date,  
44 time and location of the public hearing.

1 (c) Public disclosure by each university of any proposed increases in  
2 tuition or fees at least ten days prior to the public hearing.

3 (d) Final board action on changes in tuition or fees shall be taken  
4 by roll call vote. The procedural requirements of subdivisions (a), (b), (c)  
5 and (d) apply only to those changes in tuition or fees that require board  
6 approval.

7 6. Pursuant to section 35-115, submit a budget request for each  
8 institution under its jurisdiction that includes the estimated tuition and  
9 fee revenue available to support the programs of the institution as described  
10 in the budget request. The estimated available tuition and fee revenue shall  
11 be based on the tuition and registration fee rates in effect at the time the  
12 budget request is submitted with adjustments for projected changes in  
13 enrollment as provided by the board.

14 7. Establish curriculums and designate courses at the several  
15 institutions which in its judgment will best serve the interests of this  
16 state.

17 8. Award such degrees and diplomas upon the completion of such courses  
18 and curriculum requirements as it deems appropriate.

19 9. Prescribe qualifications for admission of all students to the  
20 universities. THE BOARD SHALL ESTABLISH POLICIES FOR GUARANTEED ADMISSION  
21 THAT ASSURE FAIR AND EQUITABLE ACCESS TO STUDENTS IN THIS STATE FROM PUBLIC,  
22 PRIVATE, CHARTER AND HOME SCHOOLS. For the purpose of determining the  
23 qualifications of honorably discharged veterans, veterans are those who  
24 served in the armed forces for a minimum of two years and who were previously  
25 enrolled at a university or community college in this state. No prior  
26 failing grades received by the veteran at the university or community college  
27 in this state may be considered.

28 10. Adopt any energy conservation standards promulgated by the  
29 department of administration for the construction of new buildings.

30 11. Employ for such time and purposes as the board requires attorneys  
31 whose compensation shall be fixed and paid by the board. Litigation to which  
32 the board is a party and for which self-insurance is not provided may be  
33 compromised or settled at the direction of the board.

34 12. Adopt annually an operating budget for each university equal to the  
35 sum of appropriated general fund monies and the amount of tuition,  
36 registration fees and other revenues approved by the board and allocated to  
37 each university operating budget.

38 13. In consultation with the state board of education and other  
39 education groups, develop and implement a program to award honors  
40 endorsements to be affixed to the high school diplomas of qualifying high  
41 school pupils and to be included in the transcripts of pupils who are awarded  
42 endorsements. The board shall develop application procedures and testing  
43 criteria and adopt testing instruments and procedures to administer the  
44 program. In order to receive an honors endorsement, a pupil must demonstrate  
45 an extraordinary level of knowledge, skill and competency as measured by the

1 testing instruments adopted by the board in mathematics, English, science and  
2 social studies. Additional subjects may be added at the determination of the  
3 board. The program is voluntary for pupils.

4 14. Require the publisher of each literary and nonliterary textbook  
5 used in the universities of this state to furnish computer software in a  
6 standardized format when software becomes available for nonliterary  
7 textbooks, to the Arizona board of regents from which braille versions of the  
8 textbooks may be produced.

9 15. Require universities that provide a degree in education to require  
10 courses that are necessary to obtain a provisional structured English  
11 immersion endorsement as prescribed by the state board of education.

12 B. The board shall adopt personnel rules. All nonacademic employees  
13 of the universities are subject to these rules except for university  
14 presidents, university vice-presidents, university deans, legal counsel and  
15 administrative officers. The personnel rules shall be similar to the  
16 personnel rules under section 41-783. The rules shall include provisions for  
17 listing available positions with the department of economic security,  
18 competitive employment processes for applicants, probationary status for new  
19 nonacademic employees, nonprobationary status on successful completion of  
20 probation and due process protections of nonprobationary employees after  
21 discharge. The board shall provide notice of proposed rule adoption and an  
22 opportunity for public comment on all personnel rules proposed for adoption.

23 C. The Arizona board of regents may employ legal assistance in  
24 procuring loans for the institutions from the United States government. Fees  
25 or compensation paid for such legal assistance shall not be a claim upon the  
26 general fund of this state but shall be paid from funds of the institutions.

27 D. The board shall approve or disapprove any contract or agreement  
28 entered into by the university of Arizona hospital with the Arizona health  
29 facilities authority.

30 E. The board may adopt policies which authorize the institutions under  
31 its jurisdiction to enter into employment contracts with nontenured employees  
32 for periods of more than one year but not more than five years. The policies  
33 shall prescribe limitations on the authority of the institutions to enter  
34 into employment contracts for periods of more than one year but not more than  
35 five years, including the requirement that the board approve the contracts.

36 F. The board may adopt a plan or plans for employee benefits which  
37 allow for participation in a cafeteria plan that meets the requirements of  
38 the United States internal revenue code of 1986.

39 G. The board may establish a program for the exchange of students  
40 between the universities under the jurisdiction of the board and colleges and  
41 universities located in the state of Sonora, Mexico. Notwithstanding  
42 subsection A, paragraph 5 of this section, the program may provide for  
43 in-state tuition at the universities under the jurisdiction of the board for  
44 fifty Sonoran students in exchange for similar tuition provisions for up to  
45 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or

1 universities. The board may direct the universities to work in conjunction  
2 with the Arizona-Mexico commission to coordinate recruitment and admissions  
3 activities.

4 H. Subsection A, paragraph 5, ~~subdivision~~ SUBDIVISIONS (a), (b), (c)  
5 and (d) of this section do not apply to fee increases that are set by  
6 individual universities and that do not require approval by the Arizona board  
7 of regents before the fee increase becomes effective.

APPROVED BY THE GOVERNOR JUNE 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 3, 2004.

Passed the House March 9, 2004

by the following vote: 31 Ayes,

27 Nays, 2 Not Voting

Jake D. Lake  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

Passed the Senate May 24, 2004

by the following vote: 23 Ayes,

6 Nays, 1 Not Voting

Ken Blumett  
President of the Senate

Charmine Bellington  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2369

## HOUSE FINAL PASSAGE

as per Joint Conference

Passed the House May 26, 2004,by the following vote: 56 Ayes,0 Nays, 4 Not VotingJake Flake  
Speaker of the HouseThomas L. Moore  
Chief Clerk of the House

## SENATE FINAL PASSAGE

as per Joint Conference

Passed the Senate May 26, 2004,by the following vote: 26 Ayes,0 Nays, 4 Not VotingJohn Bennett  
President of the SenateCharmine Billings  
Secretary of the Senate

## EXECUTIVE DEPARTMENT OF ARIZONA

## OFFICE OF GOVERNOR

This Bill was received by the Governor

this 27th day of May, 2004at 8:35 o'clock a. M.Wendy L. Barba  
Secretary to the GovernorApproved this 3 day ofJune, 2004,at 3:45 o'clock P. M.J. K. R. [Signature]  
Governor of Arizona

## EXECUTIVE DEPARTMENT OF ARIZONA

## OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of June, 2004,at 4:22 o'clock P. M.Janice L. Brewer  
Secretary of State

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